IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 33168 of 2006(W)

PETITIONER:

EASTERN CLAY AND CERAMICS LTD.,
LESSEE FEROKE TILE WORKS, CHERUVANNUR, FEROKE,
CALICUT, REPRESENTED BY ITS CHIEF EXECUTIVE,
M.MANOJ KUMAR.

BY ADV. SRI.A.D.RAVINDRA PRASAD

RESPONDENTS:
---

1. THE REGIONAL PROVIDENT FUND COMMISSIONER,
OFFICE OF THE REGIONAL PROVIDENT FUND COMMISSIONER,
BHAVISHYANIDHI BHAVAN, P.B. NO. 1806,
ERANJIPALAM.P.O., CALICUT – 673 006.

2. THE RECOVERY OFFICER &
ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND OFFICE,
BHAVISHYANIDHI BHAVAN, P.B.NO.1906,
ERANJIPALAM P.O., CALICUT-673006.

3. THE REGISTRAR,
EMPLOYEES PROVIDENT FUNDS APPELLATE TRIBUNAL,
NEW DELHI, 60, SKYLARK BUILDINGS, 7TH FLOOR,
NEW DELHI- 110019.

BY ADV. SHRI.THOMAS MATHEW NELLIMOOTTIL - SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 33168/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	COPY OF THE CERTIFICATE ISSUED BY THE DEPARTMENT OF INDUSTRIES AND COMMERCE, GOVT. OF KERALA DATED 16/06/2001.
EXT.P2	COPY OF THE EXPARTE ORDER NO. KR/KK/2842/DAM (ENF.I.(8) DATED 03/04/2003.
EXT.P3	COPY OF THE EXPARTE ORDER NO.KR/KK/2842/DAM (ENF.I(s)/03/698 DATED 28/04/2003.
EXT.P4	COPY OF THE RELEVANT PAGES OF THE APPEAL NO.ATA/543(7)/03 FILED ON 25/07/2003.
EXT.P5	COPY OF THE AGREEMENT DATED 08/12/2004.
EXT.P6	COPY OF THE ORDER OF ATTACHMENT OF IMMOVABLE PROPERTY BELONGING TO THE PETITIONER, EASTERN CLAY AND CERAMICS LIMITED VIDE ORDER NO.EPF-KR/KK/REY/2482/ENF(1)(c)/2006/1419 DATED 14/06/2006.
EXT.P7	COPY OF THE SHOW CAUSE NOTICE DATED 20/11/2006.
EXT.P8	COPY OF THE REPLY DATED 28/11/2006.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 33168 of 2006

Dated, this the 15th day of January 2007

J U D G M E N T

The petitioner is lessee of a factory, against which, there is a demand of interest under Sec. 7Q and demand of damages under Sec. 14B of the Employees Provident Fund and Miscellaneous Provisions Act. An appeal is pending against the demand on damages. In the circumstances, this writ petition is disposed of directing the Provident Fund Appellate Tribunal, New Delhi to hear and dispose of the petitioner's appeal, against demand of damages under Sec. 14B of the Act, within a period of three months from the date of production of a copy of this judgment. Recovery of damages will remain stayed for six months and thereafter recovery will be based on orders of the Tribunal. Since there is no contest against demand of interest under Sec.7Q, the petitioner is given time to clear the same till 20th of March 2007, failing which, recovery proceedings will be continued.

C.N.RAMACHANDRAN NAIR, JUDGE.

jg